

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

OP.No. 7618 of 2000(F)

PETITIONER:

JOSEPH JOSEPH,
PEECKAL HOUSE,
POTHANIKADU,
KOTHAMANGALAM.

BY ADV. SRI.JOY THATTIL ITTOOP

RESPONDENTS:

1. THE DEPUTY TAHASILDAR (R.R.),
KOTHAMANGALAM.
2. THE ACCOUNTS OFFICER,
BILLING SUPERVISION UNIT,
KERALA STATE ELECTRICITY BOARD,
MUVATTUPUZHA.

BY ADV. SRI.C.RAGHAVAN, SC, KSEB
SRI.S.RAMESH BABU, SC. KSEB
SRI. ASOK M.CHERIYAN, SC, KSEB
SRI.A.SUDHI VASUDEVAN, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB
BY GOVERNMENT PLEADER SMT. K.R. DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

Kss

ORDER ON C.M.P.NO.12718/2000 IN O.P.NO.7618/2000 F

DISMISSED

22/11/2007

SD/- KURIAN JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1: COPY OF THE DEMAND NOTICES NO.B5-2063/2000 DTD.
22/02/2000 ISSUED BY THE FIRST RESPONDENT.**

**EXT.P2: COPY OF THE DEMAND NOTICES NO.B5-2063/2000 DTD.
22/02/2000 ISSUED BY THE FIRST RESPONDENT.**

2ND RESPONDENT'S EXHIBITS:

**EXT.R2(A): COPY OF THE NOTICE SENT TO THE PETITIONER DTD.
1/06/1999.**

/TRUE COPY/

P.A.TO JUDGE

KSS

KURIAN JOSEPH, J.

O.P.NO.7618 OF 2000

Dated 22nd November, 2007.

J U D G M E N T

Petitioner is aggrieved by Exts.P1 and P2 demands. Admittedly, the power supply to the petitioner was disconnected for non-payment of arrears during October, 1992. Thereafter, it is stated in the counter affidavit that the connection was dismantled only on 23.5.1994 and for that period, minimum charges were collected. The stand cannot be appreciated. Under the Conditions of Supply of Electrical Energy, unless there is a request for keeping alive a disconnected supply, there shall be a deemed dismantlement after six months of the disconnection. Therefore, it is declared that the service connection to the petitioner shall be deemed to have been dismantled for the purpose of arrears of energy charges, from April, 1993. The liability of the petitioner for minimum charges shall only be upto April, 1993. I quash Exts.P1 and P2 with liberty to the respondents to revise the demand in terms of the above declaration. Such liberty shall be exercised within three months

from today and if not, the petitioner shall not be entitled for penal interest.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.NO.7618 OF 2000

J U D G M E N T

Dated 22nd November, 2007.